1: Swanton E-5 (1911-12) 1928 NN11 Creek NN11

the Tukabahchee chief said to Hitchcock: "When we order out the people to make a public fence, if they don't turn out, we send and take away their gun, or horse, or something else to punish them." [72]

Adair tells us that neglect of the regular morning plunge into running water was deemed a heinous crime and was punished by dry scratching. [72a]

Mention has been made above of the device resorted to by McGillivray in order to bring recalcitrant towns to order.

"When the inhabitants of any particular town are notorious for horse-stealing, or have acted otherwise unadvisedly, the chief has the entire power of punishing them collectively by removing the white man from among them, and depriving them of trade. This at once humbles them most effectually; for they conceive the privilege of having a good white trader in their town, to be inestimable." [73]

After the removal of the Indians to Oklahoma I am told that the following was the usual procedure in cases of theft. A council of the people or clans in the neighborhood was held and the matter was reported to the chief of the Creek Nation who then sent light-horsemen after the culprits, although sometimes he left the apprehension of them to the people living in the neighborhood. When these had been brought to trial and convicted they were usually lashed, and the lashing was by no means a light matter, according to those who have observed it, the blows raising huge welts on the flesh and death not infrequently ensuing. Debts of licensed traders were sometimes brought before the national council for adjudication. [74]

Escaped murderers and adulterers, and those who had committed lesser offenses and had withdrawn from their people to avoid the ridicule and contempt of their fellow townsmen, formed a class from which, says Bartram, generally came the ruffians who committed depredations and murders on the frontiers. [75] The foundation of new towns may sometimes be traced to them, as indeed is frankly admitted by members of those towns themselves. It is said that the town of Wiwohka had such an origin, and it is also claimed for others like Hilibi on less satisfactory grounds. In later times many such people swelled the population of the Florida Seminole.

Adair is the only writer to say anything about oaths used in adjuring a witness to give true evidence, and in this connection he does not mention the Creeks, only the Cherokee, Chickasaw, and Choctaw. The Chickasaw and Choctaw oath he gives as *Chikloosha ke-e-u Chua*, [76] which he interprets "Do not you lie? Do you not, of a certain

[72] Hitchcock, Ms. notes.
[72a] Adair, Hist. Am. Inds., p 130; see p. 386.
[73] Swan in Schoolcraft, Ind. Tribes, vol. v, pp. 261-262.
[74] Schoolcraft, Ind. Tribes, vol. i, p. 277.
[75] Bartram, Travels, p. 512.
[76] Lushke is a Chickasaw word meaning "to lie"; chikushke signifies "you do not lie"; ke-e-u (or kyu) is the negative. The form used here is a strengthened one.